

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ELIZABETH MONAGHAN-BRISTOW,

Plaintiff,

v.

JOHN C. BONEWICZ, P.C.,

Defendant.

CIVIL ACTION 1:14-cv-06314

COMPLAINT

JURY TRIAL DEMANDED

**COMPLAINT FOR RELIEF PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT**

NOW COMES the Plaintiff, ELIZABETH MONAGHAN-BRISTOW (“Elizabeth”), by and through her attorneys, SULAIMAN LAW GROUP, LTD., complaining of the Defendant, JOHN C. BONEWICZ, P.C. (“Bonewicz”) as follows:

**NATURE OF THE ACTION**

1. Plaintiff brings this action for damages for Defendant’s violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq. (“FDCPA”).

**JURISDICTION AND VENUE**

2. This action arises under and is brought pursuant to the FDCPA. Subject matter jurisdiction is conferred upon this Court by 15 U.S.C. §1692 (FDCPA) and 28 U.S.C. §§1331, 1337, as this action arises under the laws of the United States.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391 as Bonewicz conducts business in the Northern District of Illinois and all of the events or omissions giving rise to the claim occurred within the Northern District of Illinois.

**PARTIES**

4. Elizabeth is a natural person who resides in the Northern District of Illinois and is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

5. At all times relevant to the action, Bonewicz was a professional corporation in the state of Illinois located at 350 North Orleans Street, Suite 300, Chicago, Illinois 60654.

6. Bonewicz is a “debt collector” as defined by the FDCPA, U.S.C. § 1692a(6) because it regularly uses the mails and/or the telephone to collect, or attempt to collect, delinquent consumer accounts.

**FACTS SUPPORTING CAUSE OF ACTION**

7. CACH, LLC (“CACH”) has been attempting to collect a debt from Elizabeth that was allegedly originated by Bank of America, N.A. (“B of A”).

8. On February 24, 2014, Bonewicz filed a complaint in the Circuit Court of Cook County, Illinois against Elizabeth. The case was captioned *CACH, LLC v. Elizabeth Monaghan*, case number 2012 M1 151971 (“Collection Case”). *See* Exhibit A, a true and correct copy of the February 24, 2014 complaint filed by Bonewicz in the Collection Case.

9. Bonewicz filed the Collection Case at the Richard J. Daley Center Courthouse. *Id.*

10. The Richard J. Daley Center Courthouse serves Cook County’s First Municipal District. *See* Exhibit B, a true and correct copy of a map of the Circuit Court of Cook County Municipal Districts and Courthouses.

11. Civil matters that do not meet the damages threshold to be filed in the Law Division of the Circuit Court of Cook County are assigned to the Circuit Court’s Civil/Municipal Division.

12. Cases filed in the First Municipal District are identified by the abbreviation “M1.”

13. Elizabeth resides at 424 South Brainard Avenue, La Grange, Illinois 60525.

14. La Grange, Illinois is located within Cook County, but is located within the Circuit Court of Cook County's Fifth Municipal District. *Id.*

15. The Bridgeview Courthouse is the courthouse that serves the Circuit Court of Cook County's Fifth Municipal District. *Id.*

16. The Richard J. Daley Center Courthouse is 17 miles from Elizabeth's home.

17. In contrast, the Bridgeview Courthouse is 11 miles from Elizabeth's home.

18. In order for Elizabeth to travel to the Bridgeview Courthouse, she would have to drive on La Grange Road to Harlem Avenue and then park in the convenient and free parking lot adjacent to the Bridgeview Courthouse.

19. According to Google Maps, the trip should take about 18 minutes.

20. In order for Elizabeth to travel to the Richard J. Daley Center, she must first travel via Interstate 55 North to Chicago and make the trek to court after expending money for parking.

21. According to Google Maps, this trip will take 31 minutes excluding the time spent in traffic, locating parking, and actually making the trek to the Richard J. Daley Center.

22. The courthouse closest to Elizabeth's home is the Bridgeview Courthouse.

#### **COUNT I -- VIOLATION OF THE FDCPA**

23. Elizabeth repeats and realleges paragraphs 1 through 22 as though fully set forth herein.

24. The Collection Case was an attempt to collect a "consumer debt" as defined by the FDCPA, 15 U.S.C. §1692a(5).

25. 15 U.S.C. §1692i(a)(2) requires that a debt collector sue a consumer in the judicial district or similar legal entity where the consumer resides at the commencement of the action.

26. The closest courthouse to Elizabeth is the Bridgeview Courthouse.

27. Bonewicz violated 15 U.S.C. §1692i(a)(2) when he filed the Collection Case at the Richard J. Daley Center Courthouse, a location some 6 miles further from Elizabeth's house than the Bridgeview Courthouse.

28. It can be reasonably inferred that Bonewicz sued Elizabeth at a remote courthouse in order to discourage her from appearing and defending the Collection Case.

29. Elizabeth is therefore entitled to an award of statutory damages and legal fees pursuant to 15 U.S.C. §1692.

WHEREFORE, Plaintiff, ELIZABETH MONAGHAN-BRISTOW, respectfully requests that this Honorable Court enter judgment in her favor as follows:

- a. declaring that the practices complained of herein are unlawful and violate the aforementioned statutes and regulations;
- b. awarding Plaintiff statutory and actual damages, in an amount to be determined at trial, for the underlying FDCPA violations;
- c. awarding Plaintiff costs and reasonable attorney fees as provided under 15 U.S.C. §1692; and
- d. awarding any other relief as this Honorable Court deems just and appropriate.

Dated: August 15, 2014

Respectfully Submitted,

/s/ Mohammed O. Badwan

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